



SPENCER M. TAYLOR
t: (205) 226-8755
f: (205) 488-5688
e: staylor@balch.com

September 21, 2016

VIA SUBMISSION AT FOIAONLINE.REGULATIONS.GOV

Regional Freedom of Information Officer
U.S. EPA, Region 1 (OARM01-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: Freedom of Information Act Request

Dear Regional FOIA Officer:

Public Service Company of New Hampshire, d/b/a Eversource Energy ("PSNH"), submits this request for information pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") and the U.S. Environmental Protection Agency's ("EPA") FOIA regulations at 40 C.F.R. Part 2. As described further below, this request seeks very specific information pertaining to the draft National Pollutant Discharge Elimination System ("NPDES") permit for PSNH's Merrimack Station, located in Bow, New Hampshire ("Merrimack Station").

PSNH submits this request as a follow-up to its May 7, 2015 FOIA request relating to this matter.¹ EPA should limit its response to this request to the time frame beginning **May 7, 2015**, and ending **on the date upon which EPA performs its search** for information responsive to this request. Please also exclude from the scope of EPA's response to this request any documents or information provided to EPA by PSNH.

Specifically, please provide the following types of information regarding the draft NPDES permit for Merrimack Station:

1. Any and all documents analyzing or modeling river temperature data from the Merrimack River, including, but not limited to, any and all analysis of temperature data by EPA, its contractors, and/or the New Hampshire Department of Environmental Services ("NHDES"). This should include any analysis, modeling, use, or application of the additional temperature data provided by PSNH to EPA in February 2016 performed by the agency or its contractors, as well as any internal agency communications related to that data;


¹ <https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2806ec2dd>

2. Any and all documents or communications, including attachments of substance, between EPA and NHDES, the United States Department of Interior's Fish & Wildlife Service ("USFWS"), and/or the New Hampshire Fish and Game Department ("NHF&G") analyzing, studying, or considering aquatic organisms or species and/or their habitats in the Merrimack River. This request includes all information related to inspections, examinations, surveys (diving or otherwise), testing, or other analyses in the Merrimack River, as well as any permit applications or permits issued for such activities and any reports of the findings or conclusions of those activities (including, but not limited to, any reports required by USFWS, NHF&G, or otherwise). In particular, all communications between Eric Nelson (EPA) and NHDES should be provided;
3. Any and all agency records, including, but not limited to, communications and any attachments of substance, related to the Merrimack Station NPDES permit and section 316(a) of the Clean Water Act, 33 U.S.C. § 1326(a). This should include any and all work papers or communications of EPA employees Eric Nelson, Damien Houlihan, and Sharon DeMeo related to this subject within the specified time frame; and,
4. Any and all agency records related to the proposed or anticipated schedule for issuing the final Merrimack Station NPDES permit.

Given the limited time frame and scope of this request, PSNH would appreciate EPA's prompt response to this request. Should EPA foresee any difficulty with completing its response within the statutory deadline of 20 working days, please contact me immediately. PSNH is willing to pay the costs associated with EPA's response to this FOIA request up to \$2,000 without further authorization. Should your response efforts reach this amount, please contact me immediately to discuss further cost assurance.

If you have any other questions regarding this request, please feel free to contact me any time.

Very truly yours,



Spencer M. Taylor

cc: Linda T. Landis, Esq., Eversource Energy
Mark Stein, Esq., EPA